

REMARKS

The application has been amended. The specification has amended and a proposed drawing correction is submitted herewith. Claims 1, 6, 7, 11 and 14 have been amended. Claim 13 has been canceled. Reconsideration of the application is respectfully requested.

The Examiner has objected to the drawings, specifically Figure 1 as it is not designated by a legend such as "Prior Art". In response to this objection, submitted herewith for approval by the Examiner is a proposed drawing correction of Figure 1 where it is shown that the words "Prior Art" are inserted in red. Subject to the approval of the Examiner, formal drawings will be prepared in accordance with this drawing correction for submission upon an indication of allowable subject matter.

The specification and claims have been rejected under 35 U.S.C. §112, the Examiner noting various informalities. The specification and claims have been amended in accordance with discussions which took place in an interview conducted with the Examiner on November 14, 1996. At that interview, a tentative agreement was reached as to clarifying amendments with regard to the specification and claims. The Examiner's recommendations which were provided at that interview have been incorporated into the specification and claims. It is respectfully submitted that the specification and claims now conform with 35 U.S.C. §112.

Independent claim 11 of the application stands rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,476,506 to Lunn. Also, independent claims 1 and 6 stand rejected under 35 U.S.C. §103 as being obvious over Lunn in view of German reference 2913510. Each of the above noted rejections stem in whole or in part from the citation of the Lunn reference. As noted by the Examiner, the Lunn reference is applied under the provisions of 35 U.S.C. §102(e), it having an issue date subsequent to the filing date the instant date of the application, but having a filing date prior thereto.

Submitted herewith is a declaration of the inventors, Peter J. Schmitt and Jose F. Nunez pursuant to 37 C.F.R. §1.131. In that declaration, the inventors attest to completion of the invention at a date prior to the filing date of the Lunn reference. Such completion of the invention consists of both conception and actual reduction to practice of the invention set forth in the instant claims on a date prior to the effective date of the Lunn reference.

As set forth in the declaration, the invention was conceived as evidenced by the Invention Disclosure bearing a date earlier than the effective date of the Lunn reference. The Invention Disclosure describes in detail the invention described in the present specification. Furthermore, the Invention Disclosure describes specific examples of sample prostheses which were constructed and in existence at the time of execution of the Invention Disclosure. These examples support the claims and establish actual reduction to practice and therefor completion of the invention at a date prior to the effective date of the Lunn reference.

Accordingly, it is respectfully submitted that the Lunn reference should be removed as a cited reference against the claims of the present application.

Having removed the Lunn reference, the primary reference relied upon by the Examiner, it is respectfully submitted that the claims of the present application are patentably distinct over the remaining reference of record.

Accordingly, the application including claims 1-12 and 14-17 is believed to be in condition for allowance. Favorable action thereon is respectfully solicited.

Should the Examiner have any questions with regard to this amendment or to the application, the Examiner is respectfully invited to contact the undersigned counsel at the telephone number set forth below.

Respectfully submitted,



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